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on Human Rights of Migrants
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INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Reply of the Government of Guatemala
dated 20 January 1998

GE.98-13131 (E)

The Permanent Mission of Guatemala to the United Nations and other International Organizations in Geneva presents its compliments to the Centre for Human Rights and attaches herewith the reply of the Government of Guatemala to the questionnaire prepared by the members of the Intergovernmental Working Group of Experts on Human Rights of Migrants, requested by the Secretary-General in note G/SO 212/26 (1), of 2 December 1997, pursuant to Commission on Human Rights resolution 1997/15.

The Permanent Mission of Guatemala takes this opportunity to convey to the Centre for Human Rights the renewed assurances of its highest consideration.

Geneva, 31 March 1998

REPLY OF THE GOVERNMENT OF GUATEMALA TO THE QUESTIONNAIRE PREPARED BY THE INTERGOVERNMENTAL WORKING GROUP OF EXPERTS ON HUMAN RIGHTS OF MIGRANTS

1. What are the latest figures or estimates for:

(a) Total population, including non-nationals, preferably by nationality of origin:

The data reported by the National Institute for Statistics on the basis of the National Population Census conducted in 1994 indicate that Guatemala has a population of 9,315,035 persons.

According to information provided by the Directorate-General for Migration of Guatemala, the number of legal residents by nationality is as follows:

United States of America	20,000
El Salvador	13,000
Nicaragua	9,000
Honduras	8,000
Costa Rica	6,000
Republic of China	4,000
Germany	3,900
Canada	2,500
Korea	2,200
South America	2,400
Other European countries	1,900
Africa	100
Without papers:	
Various countries	427,000

(b) Number of nationals abroad, preferably by country of residence:

The data below are estimates prepared by the Directorate-General for Migration.

United States of America	1,000,000	Includes asylum-seekers, legal residents and residents without papers
Canada	100,000	Includes legal residents and refugees
Mexico	150,000	Includes legal residents, residents without papers, refugees and seasonal migrant farm workers
Central America	70,000	
South America	30,000	
Europe	10,000	

(c) Non-nationals having authorization to work in the country:

According to the records of the Ministry of Labour and Social Security there have been 803 authorizations in all.

(d) Estimate of irregular migrants, including visa abusers, by country of origin:

The Directorate-General for Migration reports the following in this connection:

El Salvador	30,000
Honduras	25,000
Nicaragua	20,000
Ecuador	8,000
Peru	7,200
Colombia	6,000
Mainland China	4,000
Jordan	2,500
Iraq	2,000
India	1,800
Africa	800

2. What measures are being taken to strengthen the promotion, protection and implementation of the human rights of migrants, such as:

(a) Legal measures:

The Government of the Republic is submitting a new Migrants' Code intended to modernize and standardize regional migration policies on the basis of respect for the rights of all individuals as human beings, regardless of migrant or other status.

Similarly, Government Decision No. 316-95 of 18 July 1995 streamlined the procedure for work permits for foreigners, which now take only 12 days to obtain. Other efforts have also been made to help provide migrant workers with the appropriate papers.

(b) Public information and education:

The Ministry of Foreign Affairs, through its Department of Consular Affairs, the Ministry of Labour and Social Security and the Directorate-General for Migration have been working together to foster activities which are designed to guide migrants and ensure that their rights are not violated and which include the following:

Radio advertisements in Spanish and the main Mayan languages, intended for Guatemalan seasonal migrant farm workers in Mexico, alerting them to the need to use border posts and to possess appropriate travel documents.

Information pamphlets for Guatemalans travelling outside the country, informing them of the role played by Guatemalan consulates abroad and the action they may take in consular offices to enforce their rights.

All Guatemalan consulates abroad have been issued instructions about the policy to be followed in assisting and advising fellow nationals, chiefly with regard to keeping their travel documents and visas up to date, and about the type of support with which these offices can provide them.

In the areas bordering Mexico, the Ministry of Labour has begun a broad-based information campaign on the labour rights of migrant workers, including posters and radio announcements. It has also conducted workshops and seminars for labour inspectors, employment counsellors and workers, with the basic objective of familiarizing them with, and ensuring that they respect, migrants' rights and help to publicize them accordingly.

(c) Provision of direct assistance and services:

The Directorate-General for Migration has conducted activities aimed at simplifying and streamlining migration procedures, in an effort to help migrants by preventing them from being surprised or confused by awkward procedures.

The staff of the Directorate-General for Migration has been given the training it needs in order to be able to guide and assist the users of the service appropriately.

The Directorate-General for Migration has established a mechanism for receiving Guatemalan deportees, called the D-102 mechanism, which provides for the evaluation of each person's status and the reasons for his or her deportation; statistics are also being collected for the preparation of a database to establish mechanisms for reintegration into everyday life.

Through its Department of Consular Affairs, the Ministry of Foreign Affairs has established a permanent mechanism for prison visits by Guatemalan consular officers abroad.

The Ministry of Labour and Social Security has opened local offices at the Tecún Uman and El Carmen border posts in the Department of San Marcos in the western part of the country in order to help with monitoring, registration, assistance and protection for workers migrating to Mexico. Arrangements are being made to open a new local office in La Mesilla, Department of Huehuetenango. Assistance to migrants is also being provided at the Guatemalan consulates in Tapachula and Ciudad Hidalgo, both in Chiapas, Mexico, and services are being put into operation at the consulate in Comitán, where, in addition to legal assistance, a social welfare service is provided for those who request it.

The Guatemalan consulate in Korea, for its part, has launched a campaign for the protection of the rights of Guatemalans who have gone to work in Korea.

Guatemala designed and proposed to the CA-4 member countries (Guatemala, El Salvador, Honduras and Nicaragua) a new CA-4 form containing anthropometric data for full identification of the document user. Its purpose is to provide the various consulates of the member countries with better support for dealing with situations of risk.

A joint activity under the coordination of the Ministry of Foreign Affairs through its Department of Consular Affairs and the Guatemalan Institute for Tourism is the design of a project for the establishment of a School for Migration Studies which is expected to be concluded in the short term.

(d) Other measures, including bilateral and multilateral agreements:

The Ministry of Labour and Social Security is currently preparing a survey of workers and production units in the area of Soconusco, Chiapas, in coordination with the Mexican authorities, in order to provide migration and identification facilities to persons from the two countries. To this end, a bilateral commission meets periodically to analyse and discuss the various aspects of this issue.

Negotiations are also under way on an agreement shortly to be concluded between the Ministry of Labour and Social Security of Guatemala and the International Organization for Migration for the purpose of strengthening protection activities for migrants.

In coordination with the Central American countries and Mexico, Guatemala has approached the Government of the United States on the question of ensuring respect for the rights of their respective fellow nationals.

A commission composed of representatives of the Ministries of Foreign Affairs, the Economy and Labour of Guatemala was established to deal with the issue of migrants in Korea. To that end, the Korean authorities and the Korean embassy in Guatemala have been approached on the question of ensuring respect for the rights of Guatemalans working in Korea.

3. Have there been manifestations (how many cases?) of racism, xenophobia and other forms of discrimination against migrants in your country and against your nationals in another country?

As there have been no past or recent incidents of this type, the answer to this question is negative.

4. What steps have been taken in order to ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Labour Organization (ILO) Convention concerning Migration for Employment (Revised), 1949 (No. 97), and the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (No. 143)?

The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was adopted by the Congress of the Republic on 23 July 1997 and is now in the process of ratification by the Executive with a view to sending Guatemala's instrument of accession to the International Labour Organization.

With regard to the ILO Convention concerning Migration for Employment (Revised), 1949 (No. 97), Guatemala's instrument of accession was deposited with the International Labour Organization on 19 February 1952.

With regard to ILO Convention No. 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (Supplementary Provisions), the Ministry of Foreign Affairs is studying, and holding consultations on, the text of the Convention prior to ratification.